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NOV 07 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of: :
Zine-Eddine Boutaghou, et al. :
Application No: 09/553,220 :
Filed: April 20, 2000 :
For: BENDING MICROACTUATOR :
HAVING A TWO-PIECE :
SUSPENSION DESIGN :

DECISION ON PETITION

This is in response to the Petition to withdraw the Holding of Abandonment for the above-identified application, filed September 25, 2002.

The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed February 27, 2002. A Notice of Abandonment was mailed June 4, 2002.

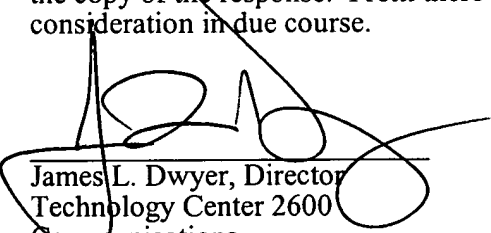
Petitioner asserts that a proper response was in fact timely filed. In support of the petition, petitioner has submitted a date stamped post card receipt, indicating that the response was received in the Patent and Trademark Office on May 16, 2002.

The original response was not matched with the file at the time the Notice of Abandonment was mailed and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as a *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Office but not matched with the application file.

In view of the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff for entry of the copy of the response. From there the application file will be forwarded to the examiner for consideration in due course.


James L. Dwyer, Director
Technology Center 2600
Communications